LEGISLATIVE ASSEMBLY OF MANITOBA

AN OUTLINE OF PROCEDURE

December, 1986

FOREWORD

This outline of the procedures and practices followed by the Legislative Assembly of Manitoba has been prepared primarily to assist newly elected MLAs.

It is designed to provide basic information regarding the operation of the Legislative Assembly. It is not and should not be looked upon as an authoritative source. The Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba are the principal authority.

Further information regarding the practices and procedures of the Legislative Assembly may be obtained by contacting me.

W.H. Remnant
Clerk of the Legislative
Assembly

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PART 1 - INTRODUCTION

OATH OF OFFICE

Section 11 of the Legislative Assembly Act requires that an MLA must, before taking his or her seat in the Assembly, take an oath.

Each MLA must therefore take and subscribe before the Lieutenant-Governor or before some person authorized by him or her, usually the Clerk of the Legislative Assembly, the following Oath of Allegiance:

> "I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or as the case may be)."

Should an MLA have any religious or other objection to the taking of an oath, he or she may make an "affirmation" of allegiance.

The Clerk of the Assembly contacts MLAs respecting the oath-taking some time before the opening of a new Legislative Assembly.

LEGISLATURE

Composition

The Legislature of Manitoba consists of the Lieutenant-Governor, appointed by the Governor-in-Council, and the Legislative Assembly elected to represent the electoral divisions into which the Province is divided.

Sessions

At least one session of the Legislature must be held each year, and these sessions shall be called so that not more than twelve months will intervene between the last sitting in one session and the first sitting in the next session.

Legislative Power

The legislative power or the authority to enact legislation is vested jointly in the Lieutenant-Governor and the Legislative Assembly, that is, in the Legislature.

LEGISLATIVE ASSEMBLY

Membership

The Manitoba Legislative Assembly consists of 57 members each of whom is elected to represent one of the 57 electoral divisions into which the province is divided under the provisions of The Electoral Divisions Act.

Composition

The Government is formed from members of the party which returns the largest number of MLAs in an election. The Official Opposition is comprised of MLAs from the party having the second largest representation in the House and, together with members representing any other parties in opposition to the Government, forms the opposition. Traditionally, Independent MLAs are seated on the opposition side of the House.

Duration

Every Legislative Assembly continues for a maximum of five years from the tenth day after the day of a general election.

Sessions

The Legislative Assembly is called into session by means of a proclamation made under the Great Seal of the Province and signed by the Lieutenant-Governor or in his or her absence by the Administrator, who is the Chief Justice of Manitoba or another Judge of the Court of Appeal of the Province.

Sittings

During a session of the Assembly the usual days and hours of sitting are:

Monday	1:30 p.m. - 6:00 p.m.	8:00 p.m. - 10:00 p.m.
Tuesday	1:30 p.m. - 6:00 p.m.	
Wednesday	1:30 p.m. - 6:00 p.m.	
Thursday	1:30 p.m. - 6:00 p.m.	
Friday	10:00 a.m. - 12:30 p.m.	

When the Committee of Supply is sitting at night, there is no fixed adjournment time and sittings frequently continue beyond 10:00 p.m. but infrequently beyond midnight.

Quorum

The quorum required for the transaction of business in the Legislative Assembly is ten, of whom the Speaker shall be one. If there is no quorum, the Speaker may take the Chair and shall adjourn the House. The same quorum applies in the Committees of the Whole House.

House

The term "House" is a colloquialism that refers to the Legislative Assembly in session with the Speaker in the Chair.

Committees of the Whole House

From time to time the Assembly resolves itself into a Committee of the Whole House, consisting of all MLAs. The Speaker leaves the Chair and the Chairman presides from the head of the Table. In a Committee of the Whole House procedural rules and the rules of decorum are relaxed.

There are three types of Committees of the Whole House - Committee of Supply, Committee of Ways & Means and Committee of the Whole.

The first two fulfill particular functions relating to the Assembly's financial procedures. Certain Bills and amendments to the Rules of the House are usually considered in Committee of the Whole, as are such other matters as the House may refer to it. These practices are described more fully in the appropriate parts of this outline.

It should be noted that a Committee may only consider such matters as the Assembly refers to it.

Attendance of Members

One of the principal privileges of a Parliament or Legislature is the right to have the attendance of its Members so that it may fulfill its responsibilities. This privilege is reflected in a Rule of the House which states in part that "Every Member shall attend the service of the House and of each Committee thereof of which he is a Member ..."

BASIC PRINCIPLES OF THE PARLIAMENTARY SYSTEM

The principles that form the basis of English parliamentary law apply equally in Canada. They are "to protect a minority and restrain the improvidence or tyranny of a majority; to secure the transaction of public business in an orderly manner; to enable every Member to express his or her opinions within necessary limits to preserve decorum and prevent an unnecessary waste of time; to give abundant opportunity for the consideration of every measure, and to prevent any legislative action being taken upon sudden impulse. (See Sir John Bourinot, Parliamentary Procedure & Practice in the Dominion of Canada, 4th ed., 1916, pp. 200 - 201.)

SOURCES OF PROCEDURE

Parliamentary procedure is the body of rules and practices by which a Legislative Body governs the conduct of its business. The principal sources of procedure in Manitoba are The Constitution Act, The Manitoba Act, The Legislative Assembly Act; the Rules, Orders and Forms of Proceeding of the Legislative Assembly, Speaker's Rulings and usages and customs of the House.

In the event that no Manitoba Rule, sessional or other order or usage or custom exists to deal with a specific case, reference is made to the usages and customs of the House of Commons of Canada and if necessary, to the House of Commons at Westminster, to the extent that these are applicable to Manitoba.

The most commonly consulted authorities are Beauchesne's Parliamentary Rules and Forms (Fifth Edition) respecting Canadian practice and Erskine May's Parliamentary Practice (Twentieth Edition) with respect to United Kingdom practice.

The primary authority for the transaction of business in the Legislative Assembly of Manitoba is the Rules, Orders and Forms of Proceeding (the Rules of the House).

To assist in interpreting them, reference should be made to Manitoba practices and precedents before referring to other authorities. A selected bibliography of parliamentary authorities is attached for the benefit of those MLAs who may be interested in further study of this subject.

PART 2 - SPEAKER, OTHER PRESIDING OFFICERS, PARTY MACHINERY AND PROCEDURAL STAFF

SPEAKER

Legal Status

Provision for the Speakership in Manitoba is contained in section 29 of The Legislative Assembly Act which requires that the Assembly "on its first assembling after a general election, shall proceed with all practicable speed to elect one of its members to be Speaker." The Act also provides for the election of a replacement in the event of a vacancy in the office and for the general powers of the Speaker. Section 66 prescribes certain disciplinary powers of the Speaker.

Election

On the opening day of the first session of a Legislative Assembly the first item of business is the election of a Speaker so that the Assembly may be properly constituted according to law. The House is informed that the Lieutenant-Governor does not think fit to declare the reasons for summoning the Assembly until a Speaker has been chosen.

In recent years the motion nominating the Speaker has usually been proposed by the Premier and seconded by the Leader of the Official Opposition. The question is put by the Clerk who declares the Speaker elected.

The newly-elected Speaker is immediately escorted to the Chair by the mover and seconder of the motion to elect him or her and is invested with the robes of office. Then the Speaker acknowledges the great honour which has been conferred upon him or her and takes the Chair.

The Lieutenant-Governor re-enters the House and takes the Chair whereupon the Speaker claims for the Assembly "all their undoubted rights and privileges."

Duties

The Speaker presides at all sittings of the Assembly and calls on MLAs to speak. He or she preserves order and decorum and applies the Rules of the House. The Speaker decides questions of order subject to an appeal to the House.

The Speaker is also the Chairman of the Legislative Assembly Management Commission and of the Standing Committee on the Rules of the House. As well, the Speaker is the spokesperson for the Assembly on ceremonial occasions and receives official visitors to the Assembly.

Disciplinary Powers

A word of caution or direction from the Speaker is usually sufficient to gain the cooperation of a Member who has violated the rules or practices of the House.

On occasion, however, it is not. In such cases the Speaker may name an offending Member by stating "Mr./Mrs./Ms. _____ it is my duty to name you for disregarding the authority of the Chair" or similarly appropriate words. A Member may also be named for persistently and wilfully obstructing the business of the House or for persisting in irrelevance and repetition. Naming is the most serious penalty available to the Speaker.

When a Member is named it is the responsibility of the Government House Leader to move that the Member be suspended from the service of the House for not more than two weeks.

Where force is required to remove a suspended Member from the House the period of suspension is automatically increased to the remainder of that session.

Participation in Debate and Voting

The Speaker is required to be impartial and therefore does not take part in any debate before the Assembly and does not vote except when the votes are equal. (Beauchesne Citation 117: "...confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure.") As well the Speaker does not attend sittings of Committees of the Whole House or meetings of Standing Committees other than the Rules Committee.

Substitution for Speaker

When the Speaker leaves the Chair during a sitting for any reason, he or she may call upon the Deputy Speaker or any other MLA to take the Chair and act as Speaker.

At the commencement of a sitting if for any reason the Speaker is not available to take the Chair, the Deputy Speaker will do so and in his or her absence the House will elect an MLA to act as Speaker for that day.

Speaker's Procession

Each daily sitting begins with the entrance of the Speaker preceded by the Sergeant-at-Arms carrying the Mace and followed by the Clerk and Deputy Clerk. Five minutes prior to sitting time, the division bells are rung to call the MLAs into the Assembly. All MLAs are expected to be at their desks when the Speaker enters. All MLAs and the visitors in the galleries rise upon the entrance of the Speaker's procession.

The Mace is the symbol of the authority of the Assembly and therefore of the Speaker. When it is in place, the House is duly constituted and proceedings may begin; without it no business may be done.

DEPUTY SPEAKER AND CHAIRMAN OF COMMITTEES OF THE WHOLE HOUSE

At the first session of a newly elected Legislative Assembly a Deputy Speaker, who is also Chairman of the Committees of the Whole House, is elected by the House from its Members.

The Chairman of Committees presides over sittings of the Committee of the Whole, the Committee of Ways & Means and the section of the Committee of Supply which meets in the Chamber.

The Chairman maintains order and decides all questions of order subject to an appeal to the House (except in Committee of Supply where an appeal is to the Committee).

If the Chairman of Committees of the Whole leaves the Chair the Deputy Chairman or another MLA may replace him or her.

As Deputy Speaker, he or she takes the Chair in the absence, for any reason, of the Speaker.

DEPUTY CHAIRMAN OF COMMITTEES OF THE WHOLE HOUSE

At the beginning of the first session of a newly elected Legislative Assembly, the House elects one of the MLAs to be Deputy Chairman of the Committees of the Whole House.

The Deputy Chairman usually chairs the section of the Committee of Supply that meets outside the Chamber, in the same manner and exercising the same authority as the Chairman does in relation to the section of the Committee of Supply which meets in the Assembly Chamber.

As well, in the event of the absence of the Chairman of the Committees of the Whole House, the Deputy Chairman usually substitutes for him or her.

In the absence of the Speaker and Deputy Speaker, due to illness or other cause, the Deputy Chairman may take the Chair and act as Speaker.

PARTY MACHINERY

Government

The Government consists of those Members of the political party which is represented in the House by the largest number of MLAs who have been appointed to cabinet. As Ministers of the Crown, these Members are responsible for presenting and justifying the Government's budget, estimates and legislative program and for explaining and defending Government policies and programs. The remaining Members of the party which acquired the largest number of seats are identified technically as Government supporters and are all seated, space permitting, on the Government side of the House.

Official Opposition

The political party which is represented in the House by the second largest number of MLAs is referred to as the Official Opposition.

The Leader of the Official Opposition assigns to a number of his or her principal colleagues, referred to as "critics", the responsibility of directing criticism at and proposing alternatives to the Government's policies and administrative measures in particular areas of responsibility.

The function of an Official Opposition within the parliamentary system is to provide effectively coordinated criticism of Government operations presented in a constructive and responsible manner.

House Leaders

One Minister of the Crown is made primarily responsible to the Premier for the arrangement of Government business in the House and is known as the Government House Leader.

The Leader of the Official Opposition designates a Member of his or her party to the recognized position of Opposition House Leader. This individual is responsible for determining his party's priorities respecting the arrangement of the business of the House.

The Government House Leader discusses with the House Leaders of other parties (as the case may be), the arrangement of the business of the House and attempts to reach agreement respecting consideration of the various items of business. His or her general responsibility is to ensure that the House is kept busy in as efficient a manner as possible.

Party Whips

Each party in the House appoints a Whip and Deputy Whip. The Whips are expected to keep their MLAs informed concerning the business of the House, to ensure the attendance of their MLAs in the House and at Committees, and to establish pairing arrangements for MLAs who are unable to attend the service of the House.

PROCEDURAL STAFF

The Clerk

The Clerk of the Assembly is the chief procedural adviser to the Speaker and to MLAs. He or she is responsible for a wide range of duties relating to the business of the House and for the maintenance of the official records of the House and its Committees. He or she is responsible also for the direction of the staff employed by the House.

Deputy Clerk

The Deputy Clerk assists the Clerk and shares with him the responsibility for providing advice on procedural matters. He or she has direction over the production of Hansard and the Votes and Proceedings of the House and exercises immediate supervision over other staff of the Assembly.

The Clerk and the Deputy Clerk serve at the Table during sittings of the House and alternate on duty during sittings of the Committee of Supply in the Chamber.

Clerk of Committees

The Clerk of Committees serves at the Table during sittings of the Committee of Supply outside the House.

The Clerk of Committees and, when required, the Deputy Clerk serve as Clerks of the Standing and Special Committees.

PART 3 - PARLIAMENTARY PRIVILEGE

DEFINITION

Parliamentary privilege is the sum of the rights enjoyed by an Assembly collectively and by its Members individually which are absolutely necessary for the due execution of its powers.

Improper interference with the rights of Members individually, or with the corporate rights of an Assembly collectively may constitute a breach of privilege.

Contempt of parliament is closely related to and dealt with in the same manner as a matter of privilege.

Matters frequently raised as matters of privilege which, in fact, are not matters of privilege include:

- points of order, including unparliamentary language;
- disputes between two MLAs about questions of fact stated in debate;
- failure of a Minister of the Crown to answer a question; or
- statements made outside the House by an MLA.

MLAs should note that parliamentary privilege relates strictly to the special rights of MLAs, in their capacity as MLAs in the performance of their parliamentary duties.

PERSONAL PRIVILEGE

From time to time an MLA will rise "on a point of personal privilege". Almost without exception such matters concern a dispute between MLAs over allegations of fact. Beauchesne (5th edition) citation 19 states that "a dispute arising between two Members, as to allegations of fact, does not fulfill the conditions of parliamentary privilege." On this basis it is apparent that "personal privilege" does not exist.

PROCEDURE

The Speaker's role, when a matter of privilege is raised, is to satisfy himself or herself whether or not:

a) the matter is being raised at the earliest opportunity; and
b) sufficient evidence of the alleged breach of the privileges of the House has been presented to warrant giving the matter precedence over all other business then before the House;

and having done so, to rule whether or not debate may proceed.

The Speaker must rule against debate proceeding on a matter of privilege, unless the two essential conditions stated in the preceding paragraph have been met to his or her satisfaction; and, unless the MLA raising the matter has concluded his or her remarks by introducing a motion proposing a reparation or a remedy.

Only the House itself, by consideration of a motion on the matter, has the authority to decide whether or not a breach of privilege has occurred. Alleged breaches of privilege occurring in a Committee can only be dealt with by the House. In most cases the Committee must report the facts to the House in order for remedial action to be taken by the House.

The usual procedure for consideration of a matter of privilege includes the MLA stating sufficient relevant facts to satisfy the Speaker that the essential conditions have been met and by reciting the text of the required motion. As well, the Speaker, before ruling, permits limited and strictly relevant debate concerning whether or not the essential conditions have been met. If the Speaker rules against the matter, it ends there as a matter of privilege. If the Speaker rules in favour of the matter, the debate proceeds immediately.

A matter of privilege which arises in the course of debate should be raised immediately - other matters of privilege are raised immediately before or immediately after the oral question period.

PART 4 - RULES OF DEBATE

INTRODUCTION

The rules of debate are reflective of a number of basic principles relating to the length of speeches, relevance in debate, avoidance of repetition and anticipation, length of debate, and observance of the sub-judice convention.

TIME LIMITS ON SPEECHES

The basic rule is that no MLA may speak for more than 40 minutes; unlimited time, however, is allowed to the Premier, Leaders of Opposition Parties and certain others as specified in the Rules of the House. Speeches in Private Members' Hour are limited to 15 minutes; specific time limits have been established to apply to speeches on matters of urgent public importance or when the closure rule is in effect.

REPETITION

The object of the rule against repetition is to safeguard the right of the Assembly to make a decision. An MLA may not revive debate on a question already concluded during the same session nor may he or she speak twice to the same item.

RELEVANCE

Speeches in the House must be relevant to the question under consideration. This rule is generally applied with leniency in Private Members' Hour and during the Budget Speech Debate. It is infrequently applied during the Throne Speech Debate.

ANTICIPATION

An MLA may not raise for consideration a matter which has been scheduled for consideration at a later date and of which notice has been given.

SUB-JUDICE MATTERS

MLAs may not discuss matters which are before the courts. The objective is to protect parties in a case awaiting or undergoing trial. The convention applies consistently regarding criminal cases but no set practice has evolved respecting civil cases. The convention applies to questions, motions and references in debate but not to Bills.

CLOSURE

Closure may only be moved by a Minister of the Crown. Oral notice must be given at a previous sitting. The motion "that debate shall not be further adjourned" is moved immediately before the Order of the Day is called for resuming an adjourned debate. It is applied only after a debate on a particular matter has been adjourned at least once.

The motion is not debatable. If it is adopted, participants in the resultant debate which proceeds immediately may speak only once for a maximum of 30 minutes. No MLA may rise to speak after 2:00 a.m. When the last MLA has spoken the Speaker puts all questions necessary to dispose of the matter.

POINTS OF ORDER

A point of order may be raised to call the attention of the Speaker or if in Committee of the Whole, the Chairman to any apparent departure from or contravention of the Rules of the House or irregularity in the conduct of the business of the Assembly.

A point of order may be raised at virtually any time by any MLA rising in his or her place, whether or not he or she has spoken previously in the debate before the House. To be considered, a point of order must be raised at the moment it arises.

When a point of order is raised the MLA speaking is required to sit down at once while the point is stated. Before giving his or her decision, the Speaker may permit debate, provided it is strictly relevant to the point of order. The Speaker may rule immediately or, may take the matter under advisement and give his or her ruling at a subsequent sitting.

LANGUAGE AND SPEECH CONTENT

Numerous rules, previous Speaker's Rulings and references in parliamentary authorities address the question of what language and speech content is acceptable or unacceptable in parliament.

The Rules of the House provide that no Member shall speak disrespectfully of persons holding certain specified high offices or use offensive words against the House or any Member of it.

It is difficult to determine specifically what expressions are unparliamentary as much may depend on the tone and manner and intention of the person speaking - sometimes upon the person to whom the words are addressed and sometimes upon the extent to which the Member uttering them had been provoked. Any expression which is personal and disorderly and tending to introduce heat and confusion may be regarded by Speakers as unparliamentary. The question of speech content is dealt with a little more precisely in that it has been established that a Member while speaking must not:

(a) refer to any debate of the same session on any question not then under discussion;

(b) refer to the presence or absence of specific Members;

(c) anticipate discussion on a motion set down for future consideration;

(d) impute bad motives or motives different from those acknowledged to a Member;

(e) make a personal charge against a Member;

(f) cast reflections upon the conduct of Judges of Superior Courts, unless such conduct is based upon a substantive motion;

(g) reflect upon the past acts and proceedings of the House; or

(h) discuss messages or reports which are not regularly before the House.

MEMBERS' PECUNIARY INTEREST

Members are prohibited by the Rules of the House from voting on any question in which they have a direct pecuniary interest. This does not however apply to the renumeration Member's receive as Members.

UNANIMOUS CONSENT

The written and unwritten rules by which the House regulates the conduct of its own business may be modified by the usual process of notice, motion, debate and decision by a majority vote.

They may also be modified on a one-time basis by the consent of all MLAs present - this is done on occasion usually to save time on a particular matter. The House will agree by unanimous consent to modify or dispense with a certain rule or rules. However, the House cannot set aside by this means rules laid down in the Constitution or other laws.

It is essential to note also that decisions so arrived at do not constitute precedents.

PART 5 - VOTING PROCEDURES

INTRODUCTION

Every matter is decided on a question put by the Speaker, or in a Committee of the Whole by the Chairman. Questions are resolved by either an affirmative or negative majority vote. Votes may be taken initially by voice and subsequently, if requested, by a recorded division in the House or a "count-out" in a Committee of the Whole.

VOICE VOTES

A vote on a motion, whether it has been debated or not, is put by the Speaker asking: "Is it the pleasure of the House to adopt the motion?" If there is no dissenting voice, the motion carries. Should someone dissent, the Speaker takes a voice vote by saying: "Those who are in favour of the motion please say 'yea'" and then: "Those who are opposed to the motion please say 'nay'". Having heard both responses, the Speaker, judging not only the voice volumes but also the probabilities, says, "In my opinion the yeas (or the nays) have it." MLAs who do not wish

the record to suggest that the motion was decided unanimously may respond to the call for voices by saying: "On division". The Speaker then declares the motion carried or lost, on division, which is recorded in the Votes and Proceedings.

The same procedure is followed, to the extent it is applicable, in Committees of the Whole House.

RECORDED DIVISIONS

In The House

A recorded division is held immediately following a voice vote and at the request of four or more MLAs. On the Speaker's instructions upon receipt of the request, the division bells are rung to call in the MLAs. No further debate is allowed once this has been done. The length of time for which the division bells may be allowed to ring is limited by the Rules of the House.

When the bells have been turned off the Speaker calls on those voting in favour and then on those voting against the motion to rise. Names are called by party, the leader first, in order of seating row by row and recorded by the Clerk. MLAs remain standing until their names are called. On completion the Clerk reports the vote result to the Speaker.

A division may be deferred to a specific time to allow absent Members absent to travel to attend the service of the House. The time for holding a deferred division, once set may not be altered nor may a further deferral be granted and in any event such deferral shall not exceed 72 hours. Until the holding of the deferred division, the House shall continue with other business before it.

When several recorded votes follow one another the House will sometimes agree, by unanimous consent, that the result of the first vote will stand for all subsequent ones.

In Committee of the Whole (except Committee of Supply)

A recorded division can be held on request by four MLAs. The division bells are rung on the instructions of the Chairman. The Rules which apply and voting practices which are followed in the House generally also apply in Committee of the Whole. However, names are not recorded. The Clerk counts the number of MLAs voting for and against the question and reports the result to the Chairman.

In Committee of Supply

Special rules and practices apply to recorded divisions requested in Committee of Supply. They are known as "count-out" or formal votes. Two or more MLAs may request a formal vote.

On the instructions of the Chairman, the division bells will be rung to call in the MLAs. Both sections of the Committee of Supply will meet together to conduct the vote. The recording procedure is the same as in the Committee of the Whole.

Where a formal vote is requested after 10:00 p.m., it is deferred until the next sitting of the Committee of Supply in the Chamber.

PAIRING

A practice of convenience known as "pairing" has developed whereby two MLAs from opposite sides of the House agree that one will abstain from voting on a particular occasion to permit the other's absence from the House.

This practice has no official standing, but MLAs in attendance will sometimes explain after the division how they would have voted had they not been paired.

FREE VOTES

Whenever party discipline has been relaxed on a recorded division it is referred to as a "free vote". Much the same Rules and practices apply as for other recorded votes. However, in the House, names of MLAs voting in the affirmative are called row by row (i.e. Premier, government first row, opposition first row, government second row, opposition second row, etc.) and then the negative votes are recorded in the same manner.

CASTING VOTES

When the votes on a particular question in the House or in a Committee of the Whole House or in a Standing or Special Committee are equal the Speaker or the Chairperson, as the case may be, must cast a deciding or casting vote.

In doing so the Speaker or Chairperson may provide a brief explanation of the manner in which he or she voted.

PART 6 - DECORUM

IN THE HOUSE AND IN COMMITTEES OF THE WHOLE

Not all of the standard practices of the Legislative Assembly are set out in the Rules of the House. Some of the customs that have become accepted practice are outlined below.

1) The dress code for the Assembly requires that male MLAs wear a tie and jacket and that female MLAs wear a corresponding type of attire.
2) In a Committee of the Whole the dress code is relaxed and ties and jackets may be removed.
3) An MLA may speak only from his or her own desk; he or she must rise and address the Speaker.
4) When the Speaker is putting a question, no MLA may enter, walk out of or across the Assembly Chamber or make any noise or create a disturbance.
5) An MLA should not pass between another MLA who is speaking and the Chair.
6) An MLA must not pass between the Chair and the Mace.
7) It is customary to bow to the Speaker when leaving, entering or crossing the Chamber.
8) When an MLA wishes to confer with another MLA it is customary to do this outside the House. In the event that it is not appropriate at the time to leave the House, MLAs usually will confer in the Loges (the areas situated on the same level as the Speaker's Chair and to the right and left of it) or on the carpeted area behind the back row of MLAs' desks.
9) No MLA should engage in private conversation so as to interrupt the business of the House nor should an MLA read newspapers in the House.
10) When the Assembly adjourns, MLAs remain standing in their places until the Speaker has left the Chamber.
11) Smoking is not permitted in the House nor in any Committee of the Whole House nor in any Standing or Special Committee meeting in the Legislative Building.
12) An MLA signifies a request for the services of a Page by raising his or her hand.
13) An MLA may bring coffee or water to his or her desk or ask a Page to bring it but no other food or drink is permitted in the Chamber.

14) The public is not allowed on the floor of the Assembly Chamber except on the opening day of a session when chairs for invited guests are placed in the area behind the back row of MLAs' desks and chairs for Judges are placed on the floor adjacent to the Table.

15) The areas, referred to as the Loges (situated on the same level as the Speaker's Chair and to the left and right of it) are reserved for the use of MLAs, former MLAs and members of other Commonwealth Legislative bodies.

PRACTICES WHEN SPEAKING

It has been established by usage and precedent and in some cases by specific Rule that when speaking, no MLA may:

1) refer to any other MLA by name (an MLA should be referred to as "the Honourable Member for [constituency name]");
2) make a personal charge against another MLA;
3) use disrespectful language against the reigning monarch, any other member of the Royal Family, the Governor-General, the Lieutenant-Governor, or the Administrator of the Province or use offensive words against the House or any Member thereof;
4) discuss messages or reports which are not regularly before the House;
5) subject to certain exceptions prescribed in the Rules, read from a written, previously prepared speech; or
6) reflect upon the past acts and proceedings of the House.

DECORUM IN THE GALLERIES

It is the duty of the attendants, under the direction of the Sergeant-at-Arms, to maintain order in the galleries. Visitors are encouraged not to take briefcases and packages into the galleries, although this is not specifically prohibited. Visitors to the galleries are not permitted to smoke, to take pictures of the Assembly in session, to display signs or placards, to applaud participants in debate or to engage in conversation or other behaviour which may disrupt the Assembly proceedings.

PART 7 - OPENING OF A NEW ASSEMBLY: A NEW SESSION

FORMAL OPENING

The election of a Speaker is the principal event which distinguishes the opening of the first session of a newly elected Assembly from the opening of subsequent sessions in the term of a particular Assembly.

Immediately before 1:30 p.m. the Sergeant-at-Arms, carrying the Mace, followed by the Clerks-at-the-Table enters the House. At 1:30 p.m. the Lieutenant-Governor, accompanied by the Premier, Members of the Executive Council, Military and Civil Aides and the Officer Escort enter the House.

Immediately the Lieutenant-Governor is seated on the Throne, the Attorney-General announces that the Lieutenant-Governor does not "see fit to declare the cause of the summoning of the present Legislature of this Province until a Speaker of this House shall have been chosen according to law". The Lieutenant-Governor and entourage then retire from the Chamber so that a Speaker may be

elected. Following the election of the Speaker, the Lieutenant-Governor re-enters the Chamber accompanied by the Premier and the Aides and escorts.

Upon the Lieutenant-Governor's re-entry, the Speaker leaves the Chair and makes the traditional claim respecting the privileges and immunities of the Assembly. The Attorney-General responds on behalf of the Lieutenant-Governor. The Lieutenant-Governor then reads the Speech from the Throne and retires.

Prayers are said and the Premier moves to introduce a Bill respecting the administration of oaths of office which will not be proceeded with but is introduced to demonstrate the traditional right of the House to pass legislation and deliberate without reference to the causes of summons expressed in the Speech from the Throne.

The Speaker advises the House that he or she has obtained a copy of the Throne Speech and reports the appointment of a Sergeant-at-Arms. Motions are introduced by the Premier and adopted by the Assembly respecting the printing of the Votes and Proceedings; the establishment of the prescribed Standing Committees; the election of a Deputy Speaker and of a Deputy Chairman; the appointment of a Special Committee to select MLAs to compose the Standing Committees; the consideration of the Throne Speech at the next sitting; and the adjournment of the House.

The motions respecting the election of House Officers and establishment of Committees are usually proposed only at the first session of a newly elected Assembly.

SPEECH FROM THE THRONE

Every session begins with the reading by the Lieutenant-Governor of the Speech from the Throne. Until this has been done the Assembly may not conduct any business.

The speech is written by the Government and is a summary of recent achievements, a statement of Government policies and policy proposals and an outline of the legislative program to be introduced into the Assembly.

ASSOCIATED CEREMONY

The Lieutenant-Governor, following a long established tradition in the province, holds a reception for all MLAs and their spouses on the evening preceding an opening of the Legislative Assembly.

Following the opening of a session, guests are received in the Manitoba Room by the Premier, Members of the Executive Council, the Speaker and their spouses. Concurrently, a reception is held in the name of the Speaker in another portion of the Legislative Building for guests attending the opening of the House.

In the evening after the opening, the Premier holds a reception for all MLAs and their spouses and other distinguished guests to mark the occasion.

PART 8 - DEBATE ON THE MOTION FOR AN ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE (THRONE SPEECH DEBATE)

The "Debate on the Motion for an Address In Reply To The Speech From The Throne" or the Throne Speech Debate as it is commonly referred to, is usually the principal business of the House for the eight sitting days following the opening day.

The motion for an address in reply is moved and seconded on the second day of a session generally by two Government backbenchers. This debate takes precedence over all other business aside from the daily routine. The Leader of the Official Opposition is traditionally the third participant in the debate and moves an amendment expressing non-confidence in the Government; sub-amendments may also be proposed.

During the Throne Speech Debate the rules regarding relevancy in debate are relaxed permitting MLAs to address almost any topic of concern to them or their constituents, but the usual time limits on speeches apply.

PART 9 - BUSINESS OF THE HOUSE

PRAYERS

On arrival in the Chamber each day and prior to the commencement of business the Speaker reads the prayer as required by the Rules of the House. All persons in the Chamber and the galleries remain standing until the prayer is concluded. All present are then seated and the Speaker calls the items of Daily Routine in the sequence in which they appear on the Order Paper.

DAILY ROUTINE

Presenting Petitions

Any person may petition the Assembly on any matter other than one involving an expenditure of, a grant of, or a charge against, public money. A petition must not contain any argumentative matter. A petition may either be written or printed, and if there are more than three petitioners, three or more signatures must appear on the page bearing the prayer of the petition.

Every petition must be presented by an MLA standing in his or her place. It is not necessary that the MLA support the petition but the MLA should agree that it is a proper matter to be brought before the Assembly and must endorse his or her name thereon. No debate or comment on or in relation to the petition is permissible on presentation. Petitions may relate to the introduction of Private Bills or to other matters.

If a petition complains of some personal grievance requiring an immediate remedy, the matter contained therein can be brought into immediate consideration.

Reading and Receiving Petitions

On the day following presentation, provided the petition conforms with the practices and Rules of the House, it may be received and it may be read aloud if required. It is the usual practice for the Clerk to read out the names of the petitioner and objectives of the petition.

Presenting Reports by Standing and Special Committees

When this item is called the Chairman or a Member of a Committee may state that he or she has the honour to present the (first) report of the Committee. The Clerk, unless instructed otherwise, reads the report. The MLA presenting the report then moves that it be received - this motion is not debatable.

Ministerial Statements and Tabling of Reports

Under this item, Ministers may make announcements or statements on matters of Government policy. A spokesperson for each of the parties in opposition to the Government may make a brief comment in reply which should not provoke debate.

Under the same item, responses to Written Questions, Orders For Return or Addresses for Papers which have been accepted by the Government or agreed to by the Assembly are tabled and printed in the Votes and Proceedings.

A Minister at this time may also table reports of Government departments and agencies which are required to be tabled by statute, by Rule or by Order of the House.

Notices of Motions

This item is listed in the Rules of the House as part of the daily routine but no business is carried out under it because written notices of motion must be filed with the Clerk and subsequently printed in the Notice Paper. For further information please see Part 12 of this outline.

Introduction of Bills

Any MLA may move under this item that a Bill, of which prior notice has been given, be introduced and read a first time. When introducing a money bill, a Minister must be able to advise the House that the Bill is recommended by message of the Lieutenant-Governor.

The motion for introduction and first reading is neither debatable nor amendable.

The sponsor of the Bill may briefly explain its purpose when moving first reading. The adoption of a motion for introduction and first reading of a Bill constitutes the authority to print the Bill (see Part 10).

Oral Questions

The Oral Question period is a daily opportunity for MLAs to direct questions to Ministers seeking information about important matters of some urgency which are within the administrative responsibility of the Government or of the specific Ministers to whom they are addressed.

It may not exceed forty minutes. Beauchesne's citations 356 to 371 deal extensively with the many and varied restrictions which may be applied to Oral and Written Questions and to replies to them. Guidelines respecting Oral Questions in Manitoba based on provincial practice and precedent and on other authorities have been produced and distributed to all MLAs.

A question should not be a statement, representation, argument, or an expression of opinion; be hypothetical; seek an opinion, either legal or otherwise; relate to a Minister's former portfolio, or any other presumed responsibility apart from the portfolio he or she currently holds; have been previously answered; refer to a matter that is sub-judice; or anticipate Orders of the Day.

Under existing practice an MLA is generally allowed an initial question and up to two supplementary or subsequent questions on the same general subject area.

Answers to questions should be as brief as possible, should deal with the matter raised, and should not provoke debate.

When answering a question a Minister may:

a) answer the question;
b) defer his or her answer;
c) take the question as notice;
d) make a short explanation as to why an answer cannot be made at the time; or
e) say nothing.

A question of a non-urgent or complex nature should be presented as a Written Question, an Order for Return or an Address for Papers, as appropriate.

INTRODUCTION OF VISITORS

Immediately preceding Oral Questions or at such other times as may be appropriate it is customary for the Speaker to introduce to the House such distinguished visitors as may be present in the galleries or the Loges at that time.

ORDERS OF THE DAY

Introduction

The Orders of the Day is that portion of the Order Paper and of each day's proceedings which follows immediately after completion of the daily routine. All items which are before the Assembly for consideration are listed on the Order Paper, however, it is not expected that all items listed will be considered on a particular day.

The items on the Order Paper are listed under two headings - Government Business and Private Members' Business.

Government Business

Items considered under Government Business include:

a) Orders for Returns and Addresses for Papers;
b) Committee of the Whole House for Consideration of Bills and such other matters as may be referred to it;
c) Report Stage on Bills reported from Committees;
d) Government Bills - second and third readings; and
e) Government Motions.

The order of precedence for the consideration of Government Business is set by the Rules of the House. In practice, Government Business items are called and dealt with in such sequence as the Government determines.

For further information about these items please refer to the appropriate Parts of this outline.

Private Members' Business

Private Members' Business is listed in its own section of the Order Paper. It is dealt with in sequence in accordance with the daily precedence assigned to each category of such business by the Rules of the House.

Private Members' Business is usually considered from 5:00 to 6:00 p.m. Mondays to Thursdays inclusive. The Throne Speech, and Budget Speech debates and those respecting motions for amendment to The Constitution Act of Canada take precedence and there is no Private Members' Hour during these debates.

The business considered during Private Member's Hour can include:

- Private Members' Resolutions
- Private Bills
- Public Bills by Private Members
- Orders for Return and Addresses for Papers referred for Debate

From time to time the Government may call items of Private Members' Business during Government Business time, generally in the final stages of a session.

For further information about these items, please refer to the appropriate Parts of this outline.

GRIEVANCES

Each MLA is allowed once in each session to raise a grievance. This can be done when a motion to resolve into the Committee of Supply or of Ways and Means is being debated by the House. An MLA's grievance may have to do with any matter which is of

concern to the MLA or the MLA's constituency. Any such debate may not continue beyond the adjournment hour on the day on which it is raised and may not be continued or resumed at a subsequent sitting.

MATTER OF URGENT PUBLIC IMPORTANCE

An MLA may move to set aside the ordinary business of the House to discuss a matter of urgent public importance subject to certain conditions set out in the Rules of the House.

Notice must be given to the Speaker at least one hour prior to the sitting of the House at which it is to be raised. Such a motion must be made immediately after Oral Questions and before calling of the Orders of the Day.

For debate to proceed, the Speaker must be satisfied that debate on the matter is urgent; that there is no other reasonable opportunity to raise the matter; that the required notice has been given; and that the conditions stated in the Rules have been met.

Once the Speaker is so satisfied, the House must vote in favour of the question "shall the debate proceed?" if the MLA's topic is to be debated. Any such debate terminates not later than the adjournment hour on the day on which it is raised and may not be continued or resumed at a subsequent sitting. If, prior to the adjournment hour, all MLAs who wish to have spoken in the debate, the House will move to the Orders of the Day without the question being put on the motion.

PART 10 - BILLS

INTRODUCTION

Bills are proposed laws which, if enacted by the Legislative Assembly and given Royal Assent by the Lieutenant-Governor, become part of the law of the province and are then known as Acts or Statutes.

Bills are divided into two main categories - Public Bills and Private Bills. Public Bills may be further divided into several sub-categories as will be seen.

PUBLIC BILLS

Public Bills address matters of public policy and apply generally to the entire jurisdiction enacting them. This class of Bill may be further subdivided into two sub-types namely Government Bills and Private Members' Public Bills.

Government Bills

Government Bills are Public Bills forming the Government's legislative program. They are sponsored and introduced by Ministers of the Crown. They may be further subdivided into ordinary Government Bills and Money Bills.

Money Bills

Money Bills are Bills which appropriate public funds, impose taxation, grant Crown property or authorize loans. A Money Bill must be introduced by a Minister of the Crown and cannot be introduced by a Private Member. When introduced, a Money Bill must be accompanied by a message of the Lieutenant-Governor

recommending it to the Assembly. The sponsoring Minister must advise the House of the existence of a message when introducing a Money Bill.

Private Members' Public Bills

A Private Members' Public Bill is a Public Bill sponsored by a Private Member (i.e. a Government or opposition MLA who is not a Member of the Executive Council). A Private Member's Public Bill may not be a Money Bill. Such Bills are listed on the Order Paper under Private Members' Business and are almost always considered during Private Members' Hour.

PRIVATE BILLS

Definition

A Private Bill is a Bill intended to confer particular powers, interests or benefits on a person or persons, public company or corporation or local authority and is solicited by the parties concerned. Bills of this type are invariably introduced by Private Members, listed on the Order Paper under Private Members' Business and generally considered in Private Members' Hour.

Procedural Differences

The principal difference in the procedure for dealing with Private Bills is that introduction and first reading follows presentation of a petition. The presentation of a petition takes the place of a notice of motion.

STAGES OF A BILL

Introduction

Before a Bill becomes law it must pass through the following steps in the enactment process:

1) Notice of motion to introduce a Bill;
2) Introduction and first reading;
3) Second reading;
4) Committee stage;
5) Report stage;
6) Third reading;
7) Royal Assent.

Notice of Motion to Introduce a Bill

Notice of motion must be printed in the Notice Paper section of the Order Paper and Notices two days prior to the intended day of introduction of a Bill.

First Reading

By leave of the House an MLA (the sponsor) moves that a Bill (identifying it by name and title) be introduced and read a first time. This motion is not debatable but the mover may provide a brief explanation of the purpose of the Bill. The adoption of this motion is the authority to print the Bill.

Second Reading

Forty-eight hours after distribution of a printed Bill a motion for second reading is listed for debate on the Order Paper. This is the most important stage in the consideration of a Bill. At this point the principle and objectives of a Bill are debatable however, the clauses and detail are not.

A second reading motion may be subject to amendments proposing:

a) that the Bill be read a second time six months (or three months) hence [the six-month hoist];
b) specific reasons for opposing second reading [a reasoned amendment]; or
c) that the subject matter of the Bill be referred to a Committee for consideration prior to Second Reading.

Adoption of a motion for second reading of a Bill constitutes the House Order for referral of that Bill to Committee of the Whole or a Standing Committee. The Government House Leader usually determines the specific Committee by which a Bill will be examined.

Committee Stage

After second reading, all Bills are referred to a Committee. Financial Bills, such as appropriation and taxation Bills, are referred to the Committee of the Whole. Bills presumed to be of interest to all MLAs, such as amendments to the Legislative Assembly Act, the Legislative Assembly Management Commission Act, the Conflict of Interest Act, the Elections Act etc. are also usually referred to a Committee of the Whole. Other Bills are usually referred to a Standing or Special Committee.

In Committee the details of a Bill, whether it is a new or amending Bill, are considered clause by clause after the sponsor of the Bill has made an opening statement if he or she wishes to. Amendments may be proposed and considered in Committee.

The public may attend meetings of Standing and Special Committees and may present oral or written submissions respecting Bills being considered.

A Committee which has concluded its examination of a Bill reports its findings to the House. In doing so it will indicate that the Bill is ready for third reading and whether or not it has been amended.

From time to time a Committee may decline to report on a particular Bill. In such cases the Bill proceeds no further and dies at the end of the session.

Report Stage

Report stage follows presentation to and receipt by the House of a report from a Committee which considered a Bill. The House at this stage formally concurs in the Committee Report. It is also an opportunity for the presentation of further amendments to a Bill.

Notice of proposed report stage amendments is usually given by circulating to all MLAs copies of the proposed amendments which are to be moved. This notice must be given prior to calling of the item or stage.

In practice, if no further amendments are offered, report stage is deemed to have occurred.

When the consideration of all amendments proposed at a report stage is completed, a motion of concurrence in the Bill (as amended) is proposed.

Third Reading

A motion for third reading of a Bill is debatable and amendments may be proposed to apply a six-month hoist; to present a reasoned amendment; or to refer the Bill back to Committee. Such Government motions are usually presented by a Minister of the Crown other than the sponsor so that the latter may participate in the final stages of any debate which occurs.

A Bill which is reported from Committee, with or without amendment, but is not amended at the report stage may proceed to third reading at that sitting. Where amendments are adopted at the report stage, third reading may not be proposed until a subsequent sitting.

Debates at this stage are usually brief, in part because most third reading motions are moved in the final days of a session. Adoption of a motion for third reading constitutes passage of a Bill.

Royal Assent

The Lieutenant-Governor gives Royal Assent to most Bills in person. In his or her absence Royal Assent is given by the Administrator of the Province who is the Chief Justice of the Court of Appeal or another Judge of that Court. It should be noted here that the act of giving Royal Assent to a Bill does not necessarily bring it into force. Several different possibilities exist, some of which may be spelled out in the Bill. A Bill may come into force:

(a) on the day on which it receives Royal Assent;
(b) on the sixtieth day after the day on which it receives Royal Assent
(c) on a specific day named in the Bill; or
(d) by proclamation of the Lieutenant-Governor in Council.

Royal Assent Ceremony

The ceremony takes place in the Assembly Chamber while other proceedings are interrupted. The titles of the Bills to be assented to are read and the Clerk announces that the Lieutenant-Governor has granted Royal Assent. Immediately following the ceremony the Lieutenant-Governor retires from the House and business may continue.

This ceremony often occurs on several occasions during a session, the last one usually being immediately before the conclusion of the session.

PART 11 - FINANCIAL PROCEDURE

INTRODUCTION

The Legislative Assembly has established specific procedures and practices by which to authorize Government expenditures and the provision of the required funds.

The authorization of expenditures is usually referred to as "the business of supply". The provision of required funds may be known as "ways and means". The best known aspect of ways and means is the annual financial statement or "Budget Speech" delivered by the Minister of Finance.

In Manitoba the terms "estimates", "appropriations" and "supply" are used virtually interchangeably to refer to the estimates of expenditure or to the appropriations Bills relating to those estimates.

Supply may be subdivided into four categories:

Main Supply which relates to the Government's operating expenditures for the forthcoming fiscal year;

Capital Supply which provides incremental expenditure authority for capital projects and the borrowing of funds required for them;

Supplementary Supply which sets out and seeks authorization for the additional or unforseen expenditures which were not provided for in main supply; and

Interim Supply which authorizes the funding required to meet anticipated expenditures while main supply is still being considered by the Assembly; it usually consists of a certain percentage or proportion of the amounts to be voted in main supply.

The Government fiscal year commences on April 1st and concludes on March 31st next. Therefore consideration of the proposed main estimates of expenditure for a particular fiscal year usually extends over parts of two fiscal years.

As the fiscal year end approaches the Assembly generally considers and enacts interim supply relating to the new fiscal year. It may also do the same with respect to supplementary supply for the current fiscal year.

Consideration and enactment of main supply for a particular fiscal year may not be concluded until as late as three or four months after the start of that fiscal year.

BUDGET SPEECH AND DEBATE

In the last few years the Budget Speech has been presented immediately after the conclusion of the Throne Speech Debate. Its purpose is to identify probable income and expenditure of the province and to indicate whether and how taxation levels will be increased or decreased.

The Budget may not be introduced until the Throne Speech Debate has been concluded. Practice in the last few years has been to end the Throne Speech Debate immediately prior to the supper recess on the last day set aside for that purpose and to bring down the budget in the evening sitting on the same day.

The Budget Debate is initiated by the Minister of Finance moving, after notice, "THAT this House approves in general the budgetary policy of the Government" which is followed by the Budget Speech on which debate is traditionally adjourned by the Leader of the Official Opposition.

This debate is limited to eight consecutive sitting days and takes precedence during that period over all other business except the daily routine.

ESTIMATES

The detailed estimates of expenditure are presented in book form for consideration by the House and are made available to MLAs when tabled.

They are divided into main sections, each one corresponding to a Government Department or Ministry. Each main section is divided into a number of statutory and budgetary items.

The statutory items are provided for information only and are not subject to a decision of the House. Alteration of a statutory item can only be accomplished by amendment of the appropriate statute.

Each budgetary item includes in its text the wording of an estimate resolution on which the Committee must make a decision.

CONSIDERATION OF ESTIMATES IN COMMITTEE OF SUPPLY

Estimates of expenditure together with the messages from the Lieutenant-Governor recommending them to the Assembly are tabled by the Minister of Finance and referred by motion to the Committee of Supply.

The Committee of Supply enables the Assembly to examine departmental programs and policies in depth. The responsible Ministers, with the assistance of their Deputy Ministers and other senior officials explain the estimate detail and respond to questions.

The Committee of Supply, as mentioned previously, meets concurrently in two sections - each one considering the estimates of particular departments.

The sequence in which the estimates of the various departments are considered is determined by the House Leaders in accordance with the Rules of the House. A written statement of the sequence is tabled by the Government House Leader. That sequence, once tabled, may only be changed by substantive motion or unanimous consent. The items relating to a particular department are usually considered and the relevant resolutions adopted in sequence.

The Committee of Supply or a section thereof, in theory, may defeat an estimate resolution or entertain a proposal to reduce the amount of it but may not increase it nor add new items.

As the Committee of Supply adopts various estimate resolutions, these are reported to the House on a day to day basis. Upon completion of consideration of all supply resolutions, a debatable concurrence motion is moved in Committee of Supply, with both sections sitting together. Reference can be made to the Rules for time restrictions. After reporting to the House, a further non-debatable concurrence motion is moved before the Whole House, without notice being required.

APPROPRIATION BILLS

Immediately following adoption of all estimate resolutions and the concurrence motions, a Ways and Means resolution respecting the required funding is referred to and considered in the Committee of Ways and Means.

The adoption of a Ways and Means resolution is the preliminary step to the introduction, by leave of the House, without notice, of an Appropriations Bill.

Although normal Rules of debate respecting Public Bills apply, it is not uncommon for an appropriations Bill, with the unanimous consent of the House, to be moved through all stages from introduction to Royal Assent in part of one sitting.

TIME LIMITS

In each session, not more than 240 hours are allowed for consideration of all supply estimates and resolutions as well as consideration of the relevant Supply Bills in Committee of the Whole. All matters not concluded within that time limit are disposed of forthwith without debate.

PART 12 - MOTIONS

INTRODUCTION

A Motion is a proposal that the Assembly do something or order something to be done or express an opinion with respect to some matter which is presented to it to obtain a decision.

A motion is the form in which debate on any subject must originate. A motion is moved and seconded - the Speaker proposes the question to the House for debate - at the conclusion of the debate the Speaker puts the question to a vote and obtains the decision of the House.

Every motion agreed to by the House becomes either an order or a resolution. By its orders the House directs it Committees; its Members; its officers and the conduct of its own proceedings; by its resolutions the House declares its opinions.

Motions are divided into two main classes - substantive or independent motions and subsidiary or dependent motions. The latter may be further divided into several sub-classes.

TYPES OF MOTIONS

Substantive Motions

A substantive or independent motion is a self-contained proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House.

Subsidiary Motions

There are three types of subsidiary motion:

a) a motion to amend another motion;

b) an ancillary, or procedural, motion dependent on an Order of the Day (e.g. a motion for the second or third reading of a Bill); and

c) a superseding or dilatory motion (e.g. to adjourn the debate, to postpone it to another day, to adjourn the House, for the previous question, or to proceed to another Order of the Day).

CONSTITUTIONAL AMENDMENT MOTIONS

Motions to amend The Constitution Act of Canada (substantive motions) take precedence over all other House business for up to 10 sitting days but may not be moved during the Throne and Budget Speech debates.

Referral to Committee for purposes of receiving submissions from the public must occur prior to the 6th day of debate and a report subsequently must be made to the House.

NOTICES OF MOTIONS

In general, while there are certain exceptions, substantive motions require notice and subsidiary motions do not. The usual notice period is two days but there are some specific exceptions.

Two days prior notice must be given of a motion for leave to introduce a Bill (other than a Private Bill), Resolution or Address; for the appointment of a Committee; or, for the placing of a Question on the Order Paper. This rule does not apply to motions respecting the times of meeting or adjournment of the House or concerning Bills after introduction.

A notice which is filed with the Clerk before adjournment of the House for the day is printed in the Notice Paper two days later. No Member may have more than two notices of motion on the Notice Paper on any day except notices of motion for Addresses for Papers or for Orders for Returns.

MOVING A MOTION

A motion must be moved and seconded and proposed to the House by the Speaker before being debated. On being recognized by the Speaker, the mover of a motion, of which notice has been given if required, rises and reads the text of his or her motion and then has it delivered to the Speaker by a page. A motion must be moved by the MLA in whose name it appears on the Order Paper except that a Minister of the Crown may move a motion on behalf of any other Minister.

Once a motion has been proposed to the House and is under debate its mover must have unanimous consent to withdraw it.

When a motion is under debate, only certain other types of motions may be proposed as detailed in the Rules of the House. Most motions are debatable but exceptions include motions to adjourn the debate or the House; motions for first reading of a Bill; motions to suspend an MLA or motions to receive a report of a Committee.

Dilatory motions may be moved without notice but may not be debated or amended. However, the "previous question" motion is an exception to this practice in that it is a dilatory motion which may be debated.

AMENDMENTS

An amendment requires no notice. It must be relevant to the motion it seeks to amend. It may not broaden the scope of the motion it proposes to amend by adding new subject matter but it can propose to leave out certain words; to leave out certain words to insert others; or, to insert or add others. Its purpose should be to modify the motion before the House to make it more acceptable or to substitute an alternative proposal.

A sub-amendment must be strictly relevant to the amendment it proposes to amend. A sub-amendment must be decided on by the House, it may not be amended.

When an amendment (or sub-amendment) is moved and seconded and proposed to the House by the Chair, debate on the main motion (or the amendment) is set aside and the amendment (or sub-amendment) is debated until decided upon. Debate on the main motion or the main motion as amended may then be resumed. A similar procedure is followed when a sub-amendment is introduced.

PART 13 - STANDING AND SPECIAL COMMITTEES

INTRODUCTION

The use of a Committee system permits a more thorough examination of complex and detailed or very technical subjects than is possible in the House. Committees may call witnesses and obtain expert advice. However, Committees may examine only those matters referred to them and must report their findings back to the House.

Description

Standing Committees are appointed pursuant to the Rules of the House for the life of a Legislative Assembly. At present the Rules provide for eleven such committees:

Agriculture;
Economic Development;
Industrial Relations;
Law Amendments;
Municipal Affairs;
Private Bills;
Privileges and Elections;
Public Accounts;
Public Utilities and Natural Resources;
Rules of the House; and
Statutory Regulations and Orders.

Special Committees are appointed on an ad hoc basis to study specific matters. When their assignment is completed or a specific term set by the Assembly has expired, they cease to exist. In Manitoba, matters which might elsewhere be referred to a Special Committee appointed for the purpose are more often referred instead to one of the existing Standing Committees.

Establishment

At the commencement of the first session of each Legislative Assembly, the Standing Committees are established by Order of the House and a Special Committee of seven members is set up to recommend to the House lists of MLAs to serve on them. Concurrence in the recommendation of the report establishes the Committees as proposed.

The membership on a Special Committee is generally proposed in the motion establishing it.

Composition and Membership

Membership on Committees is generally allocated to the political parties in approximately the same proportions as their representation in the House.

In the current Assembly, as in the 32nd Assembly, the Law Amendments Committee consists of 30 members; the Rules Committee of 9 members and all other Committees of 11 members.

Substitution of Members on Committees during a session occurs from time to time and is accomplished by motion of the appropriate Whips. Intersessionally, in the event of death, long illness or resignation of a Member, replacements may be appointed by a vote of the Committee.

POWERS OF COMMITTEES

A Committee has such authority as is given to it by the Assembly. A Committee may be authorized to call for persons, papers and records which enables it to call witnesses and obtain expert advice. A Committee may only consider matters referred to it and must report its findings to the House.

A Committee may be authorized by the House to travel and meet outside the city of Winnipeg.

A quorum of a Committee is a majority of its Members unless the House orders otherwise.

METHODS OF OPERATION

Most Committee meetings are held when the House is in session but outside sitting hours. The Standing Committee on the Rules of the House meets intersessionally more frequently than most other Committees.

At its first meeting or when the position of Chairman is vacant, the first item of business of a Committee is to elect a Chairman. The Chairman of a Standing or Special Committee maintains order and decides all questions of order subject to an appeal to the Committee. The Chairman shall not vote except when the votes are equal in which case he or she shall cast a deciding vote.

Meetings are scheduled during sessions by the Government House Leader. Intersessionally, they are held at the call of the Chair.

Only Members of a Committee may vote or move motions. MLAs who are not Members of a Committee may attend meetings, address the Committee and question witnesses, but they may not vote or move motions.

Reports of Committees are signed by the Chairman only and presented to the House by the Chairman or another Member and read (if desired) by the Clerk of the House. A report may not be amended but may be referred back to the Committee which prepared it.

PART 14 - ADJOURNMENT, PROROGATION AND DISSOLUTION

ADJOURNMENT

At the completion of each daily sitting, the Assembly is adjourned to the next sitting day in accordance with the Rules of the House. Adjournment for a longer period of time such as over the Easter weekend or for an indefinite period commencing at the conclusion of business in the summer is usually accomplished by motion of the Government House Leader. Business not concluded at the hour of adjournment, with certain exceptions, is carried over to the next sitting.

PROROGATION

When the business of a session is completed, the Lieutenant-Governor declares that it is prorogued. This may be done by the Lieutenant-Governor, or by the Administrator appearing in person in the Assembly Chamber or, if the Assembly is in an indefinite adjournment, by proclamation.

Upon prorogation, all business standing on the Order Paper dies with the exception of Orders for Returns, and Addresses for Papers. Any returns not provided during the session in which they were ordered may be provided during a following session.

DISSOLUTION

Dissolution is the method by which the term of a Legislative Assembly is concluded. The Legislative Assembly is dissolved by the Lieutenant-Governor, on the advice of the Premier by means of a Proclamation.

The average term of a Legislative Assembly is about four years but it may not exceed five years.

On dissolution, MLAs cease to be MLAs and all Committees and all business of the Assembly dies. Dissolution is followed by the calling of a general election to elect a new Legislative Assembly.

APPENDIX A

GLOSSARY OF LEGISLATIVE ASSEMBLY TERMS

ADDRESS IN REPLY

- The means by which the House expresses its appreciation to the Lieutenant-Governor for the Throne Speech.

BILL

- A Bill is a proposed law introduced into the Assembly; it is an instrument for creating a new law or amending an existing one; it becomes an act after it has been passed by the Assembly and has received Royal Assent.

BUDGET SPEECH

- The speech in which the Minister of Finance presents his views of the resources of the province, communicates his calculations of probable income and expenditure and identifies tax increases or decreases.

CAUCUS

- A caucus is an in-camera meeting of a party's members.

CLERK

- The Clerk is the principal permanent officer of the Assembly.

DEPUTY CLERK

- The Deputy Clerk assists the Clerk in the performance of his or her duties and performs the duties of Clerk in that Officer's absence.

ESTIMATES

- The Main Estimates presented to the Assembly, the budgetary and non-budgetary expenditure proposals of the government for each fiscal year (April 1st to March 31st).
- Supplementary Estimates - may be presented to authorize a further grant, a new expenditure, an expenditure for an unexpected emergency, to transfer funds from one vote to another or to broaden the purpose of an existing vote in the Main Estimates.

EXECUTIVE COUNCIL

- The Executive Council or Cabinet of a province consists of the Premier who is the chairperson, and his or her Ministers.

GOVERNMENT

- A Cabinet or Executive Council chosen from the political party with a majority in the Assembly which is responsible to the Assembly for its actions.

GOVERNMENT SUPPORTERS

- Members of the political party from which the Members of the Executive Council are chosen.

GRIEVANCE

- When a Motion has been made for the House to go into Committee of Supply or Committee of Ways and Means each MLA may, once in a session, raise a matter of Grievance of concern to the MLA or to his or her constituents.

HANSARD

- Verbatim report of speeches made in the Legislative Assembly.

JOURNALS

- The Journals are an edited, corrected and bound version of the Votes and Proceedings, are the permanent official record of the proceedings of the House and are published following the end of each session.

HOUSE

- Legislative Assembly while in Session.

LAW OFFICER

- The Legislative Counsel employed by the Department of the Attorney-General whose responsibilities in the role of Law Officer of the Assembly are defined by the Rules of the House.

LEADER OF THE OPPOSITION

- MLA recognized by the Speaker as occupying the position of the Leader of the Official Opposition.

LIEUTENANT-GOVERNOR

- The Lieutenant-Governor is appointed by the Governor-in-Council for a term of five years and is the representative of the Crown in the province.

MACE

- The Mace is the gold plated symbol of the authority of the House and in consequence of the Speaker.

MINISTER

- A Minister is a member of the Executive Council or Cabinet, and is appointed by Order-in-Council.

MOTION

- A proposal introduced by an MLA that the House do something or order something to be done or express an opinion with regard to some matter.

NOTICES OF MOTION

- Notice of a member's intention to introduce a motion which is printed in the Notice Paper.

OFFICIAL OPPOSITION

- The members of the Assembly belonging to the political party that is represented in the Assembly by the second largest number of members.

ORAL QUESTIONS

- Questions directed by MLAs to Ministers of the Crown, during the period set aside for that purpose of each sitting, seeking information about important matters of some urgency within the administrative responsibility of the Government.

ORDER OF THE HOUSE

- An adopted motion in accordance with which the House does something or by which it directs that something be done.

ORDER FOR RETURN

- A request by an MLA which requires, if accepted by the Government, a reply containing specific information to be tabled by a Minister of the Crown.

ORDER-IN-COUNCIL

- An Order-in-Council is an order or regulation adopted by Cabinet pursuant to the authority of a provincial statute and approved by the Lieutenant-Governor.

ORDER PAPER

- The Order Paper, or to give it its full title the Order Paper and Notices, is the official agenda which lists the items that may be called during a sitting of the House on a particular day. The Notice Paper section contains notices of motions which are to be moved at subsequent sittings of the House.

POINT OF ORDER

- A Point of Order is a question raised to call attention to any departure from the customary mode of proceeding in debate or in the conduct of the business of the Assembly.

PRIVATE BILLS

- A Private Bill relates to matters of particular interest or benefit to a person or persons, a public company or corporation or local authority and is introduced by a private member.

PROROGATION

- The House is prorogued at the end of a Session; all business not completed is terminated.

PUBLIC BILLS

- A Public Bill relates to matters of public policy and may be introduced by a Minister or by a private member.

QUORUM

- Quorum is the number of members who must be present for the House to conduct its business. (The number is ten including the Speaker).
- In a committee a quorum is the majority of the number of members appointed to that commitee.

RECOGNIZED OPPOSITION PARTY

- The members of the Assembly who belong to a political party that is represented in the Assembly by four or more members and that is not the party represented by the largest or second largest number of members.

RESOLUTION

- An adopted motion which expresses an opinion of the Assembly.

RETURN TO AN ORDER

- A Minister's reply to an Order for Return.

SERGEANT-AT-ARMS

- The officer of the Assembly responsible, subject to orders he or she may receive from the Speaker, for the safe-keeping of the Mace and the furniture and fittings of the Assembly and for the conduct of messengers and attendants of the House.

SESSION

- A Session consists of a number of sittings commencing with the opening and ending at prorogation. There is no pre-determined duration. There is usually more than one Session per Assembly and one Session must be held every year.

SITTING

- A meeting of the Assembly which begins when it is assembled in accordance with the Rules or an Order of the House and ends when it is adjourned.

SPEAKER

- The Speaker is an MLA elected by his or her colleagues to be the presiding officer of the House, to preserve order and decorum and to apply the Rules of the House.

SPEECH FROM THE THRONE

- The Speech from the Throne is a general statement of government achievements and proposed policies and an outline of the legislation to be introduced. It is written by the Government and delivered by the Lieutenant-Governor.

STANDING COMMITTEE

- Standing Committees are appointed under the Rules of the House to consider matters referred to them.

SUPPLEMENTARY QUESTION

- A supplementary question is asked to obtain explanation or clarification of an answer which has been provided.

VOTES AND PROCEEDINGS

- The daily official record of the proceedings of the Assembly.

WHIPS

- A Whip is appointed by each party to keep its Member informed about the business of the House, to ensure the attendance of Members in the House and at Committees and to make pairing arrangements.

APPENDIX B

SELECTED BIBLIOGRAPHY

BOOKS

Abraham, L.A. and S.C. Hawtrey, Parliamentary Dictionary, 3rd ed., Butterworth's, London, 1970.

Beauchesne, A., Beauchesne's Rules and Forms of the House of Commons in Canada [5th ed. by Fraser, Birch and Dawson], Carswell Co. Ltd., Toronto, 1978.

Bourinot, Sir.J., Parliamentary Procedure and Practice in the Dominion of Canada, 4th ed., 1916 (Rothman Reprints Inc. South Hackensack, N.J., 1971).

Canada, House of Commons, Table Research Branch, House of Commons Precis of Procedure, Ottawa, 1985.

Dawson, R., The Government of Canada, 5th ed., University of Toronto Press, Toronto, 1970.

Laundy, P., The Office of the Speaker in the Parliaments of the Commonwealth, Quiller Press, London, 1984.

Maingot, J., Parliamentary Privilege in Canada, Butterworth's, Toronto, 1982.

May, Sir. T.E., Parliamentary Practice, 20th ed., Butterworth's London, 1983.

Stewart, J. The Canadian House of Commons, McGill - Queen's University Press, 1977.

All of the above-mentioned books are available for reference in the Legislative Reading Room.

PERIODICALS

Canadian Parliamentary Review*

Commonwealth Parliamentary Association Newsletters*

Parliamentary Affairs

Parliamentary Government

The Parliamentarian*

The Table

All MLAs receive copies of the starred periodicals through membership in the Commonwealth Parliamentary Association.

The unstarred periodicals are available from the Legislative Reading Room.